

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
APRIL 19, 1978

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, April 19, 1978 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes(arrived 9:05 p.m.), Katnich, Katzakian, McCarty, and Pinkerton(Mayor)

Absent: Councilmen - None

Also Present: City Manager Graves, Assistant City Manager Glenn, Community Development Director/Deputy City Clerk Schroeder, Associate Civil Engineer Giottonini, and City Attorney Mullen.

INVOCATION

The invocation was given by Reverend Eric Coulon, First Baptist Church.

PLEDGE

Mayor Pinkerton led the Pledge of Allegiance to the flag.

MINUTES

Councilman McCarty stated that he had some concern with the Consent Calendar and pointed out that Councilman Katzakian stated he must abstain from voting on items on Consent Calendar and then participated in approving its overall calendar. Councilman Katnich said that in the future two motions should be made when a Councilman abstains on a Consent Calendar item. The City Attorney agreed with the two-motion concept and explained the Consent Calendar concept.

Councilman McCarty said he had not been told that matters could be removed from the Consent Calendar. He stated that Resolution 78-37 approved by the April 5, 1978 Consent Calendar should not have been approved without public input and suggested that it be re-opened to public hearing.

Councilman Katzakian moved that the Minutes of April 5, 1978 be approved as written, mailed and noted above. The motion was seconded by Councilman Katnich and carried.

LODI AVENUE-W.I.D.
BRIDGE

Mr. Ben Schaffer, 600 Connie Street, Lodi appeared before the Council and raised questions concerning (1) the completion of the bridge across the Woodbridge Irrigation District Canal on Lodi Avenue just west of Lower Sacramento Road and

Minutes of April 19, 1978, continued

LODI AVENUE-W.I.D.
BRIDGE (Continued)

(2) the City's enforcement of the long-standing policy of having sidewalk installed along the frontage of all improved property within the City Limits.

Public Works representative Giottonini explained the delays on the bridge construction.

The Mayor asked the Public Works Department for a report on the sidewalk policy and progress to the present.

PROCLAMATIONS

Mayor Pinkerton presented the following Proclamation which was received by Mr. Charles Farnsworth:

a) Proclamation proclaiming May 1978 as "Senior Citizens' Month".

POPLAR ST. ST.
LIGHTING DISTRICT

Notice thereof having been published and posted in accordance with law, Mayor Pinkerton called for the Public Hearing on the proposed formation of the Poplar Street Street Lighting District.

Council was apprised that the boundaries of the District are Poplar Street between Washington Street and Central Avenue and further that under the 1911 Improvement Act, proceedings had been initiated by the property owners who had presented a petition for the lights which had been signed by owners of more than sixty percent of the front footage of the proposed district.

Mr. Raymond L. Meleken, 1101 South Central Avenue, Lodi asked questions concerning the location of light standards in the district. His concerns were referred to the Utilities Director.

RES. NO. 78-38
OVERRULING PROTESTS

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

Councilman Katnich moved adoption of Resolution No. 78-38 overruling protests in the Poplar Street Street Lighting District. The motion was seconded by Councilman Katzakian and carried by unanimous vote.

RES. NO. 78-39
ADOPTING WAGE RATES

Councilman Katnich then moved adoption of Resolution No. 78-39 adopting the scale of prevailing wage rates in the Poplar Street Street Lighting District. The motion was seconded by Councilman Katzakian and carried.

RES. NO. 78-40
ORDERING WORK

Councilman Katnich moved adoption of Resolution No. 78-40 ordering the work to be done in the Poplar Street Street Lighting District. The motion was seconded by Councilman Katzakian and carried by unanimous vote.

RES. NO. 78-41
DIRECTING
ASSESSMENT TO BE
PREPARED

On motion of Councilman Katnich, Katzakian second, Council adopted Resolution No. 78-41 directing the assessment in the Poplar Street Street Lighting District to be prepared.

Minutes of April 19, 1978, continued

PLANNING COMMISSION

City Manager Graves gave the following report of the Planning Commission meeting of April 10, 1978:

The Planning Commission -

ITEMS OF INTEREST

1. Denied the request of Mr. Truman Copeland for Variances to (1) reduce the driveway length to a detached accessory building from 40 feet to 20 feet, and (2) permit a detached accessory building on a lot without a main structure at 2033 West Lodi Avenue in an area zoned R-1, Single-Family Residential.

COMMUNICATIONS

Community Development Director/Deputy City Clerk Schroeder presented the following correspondence regarding applications before the California Public Utilities Commission:

PUC APPLICATIONS

a) Notice that Western Union Company has filed an application with the California Public Utilities Commission to revise its rates applicable to Telex and Teletypewriter Exchange (TWX) services in conformity with similar tariff provisions applicable to interstate service.

b) Application of Greyhound Lines, Inc. before the California Public Utilities Commission for authority to operate bus service between the junction of Interstate Highway 80 and California Highway 12 at Fairfield and Lodi, California serving all intermediate points and the resulting opinion.

RESOLUTION REC'D.
FROM TRACY RE
TRACY DEFENSE
DEPOT

Community Development Director/Deputy City Clerk Schroeder presented a resolution which had been received from the City of Tracy recognizing the importance of the Tracy Defense Depot to the Tracy Community and opposing reduction in Depot activities.

GENERAL PLAN
ELEMENTS - TIME
EXTENSION

Councilman Katnich asked the City Manager about the progress the State Office of Planning and Research had made in the City's request for a time extension in developing and adopting the Housing, Noise, Safety and Seismic Safety Elements of the General Plan.

The City Manager stated that OPR had not accepted the City's reasons for a time extension on the Housing Element. He said the other extensions apparently would be approved.

After discussion it was agreed that the Mayor and those Councilmen who so wished would travel to Sacramento to discuss the Housing Element time extension with representatives of OPR. The City Manager was instructed to set up the meeting at the earliest possible date.

REPORTS OF THE CITY MANAGER

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, the following actions hereby set

Minutes of April 19, 1973, continued

CONSENT CALENDAR
(Continued)

forth between asterisks, on motion of Councilman Katzakian, Pinkerton second, were approved by the Council.

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$757,458.51.

PLANS & SPECS APPRVD.
FOR "CHURCH ST.
STORM DRAIN"

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "CHURCH STREET STORM DRAIN FORREST AVENUE TO TURNER ROAD", AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

PLANS & SPECS FOR
DEMOLITION - OLD
SEWER PLANT APPRVD.

COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "DEMOLITION - OLD SEWER PLANT, 1331 SOUTH HAM LANE", AND AUTHORIZED THE CITY CLERK TO ADVERTISE FOR BIDS THEREON.

SPECS APPRVD. FOR
BOILER ASSEMBLIES
& FUEL TANK

On motion of Councilman Katnich, Katzakian second, Council approved the specifications for two small boiler assemblies and one fuel tank for the Public Safety Building boiler and authorized the City Clerk to advertise for bids thereon.

EMPLOYMENT AGREE-
MENT WITH C.A. &
A.C.A. FOR EXTRA-
ORDINARY SERVICES
APPROVED

The City Manager read a letter from Mr. C. M. Sullivan, Assistant City Attorney, which requested a new "Employment Agreement with City Attorney and Assistant City Attorney for Extraordinary Services". The letter stated that the last agreement was dated March 21, 1973 and that legal fees had greatly increased since that time. The letter stated that the proposed fees were less than current rates because of the attorney's long association with the City.

Mr. Ben Schaffer, 600 Connie Street, Lodi urged the Council to approve the new agreement. He said that the City had a favorable agreement and that Mr. Mulien was the Dean of City Attorneys in California.

The City Attorney reviewed fees being charged by local law firms and by firms giving legal assistance to organizations in which the City participated.

Councilman McCarty stated that he objected to the new agreement because of the percent of increase and the fact that the Council must deal with other employee requests for pay and working conditions in the near future.

Councilman Katnich moved that Council approve the "Employment Agreement with City Attorney and Assistant City Attorney for Extraordinary Services" as submitted and authorize the Mayor to sign the Agreement. The motion was seconded by Councilman Katzakian and passed 3 to 1 with Councilman McCarty voting "No", and officially recorded as follows:

Minutes of April 13, 1948, continued

EMPLOYMENT
AGREEMENT WITH
CITY ATTORNEY &
ASST. CITY ATTORNEY
(Continued)

Absent: Councilman - KATNICH, KATZAKIAN,
and PINKERTON

Present: Councilman - BIGGART

Absent: Councilman - HUGHES

AMENDED CONTRACT
BETWEEN P.G.&E. AND
AMADOR CO. WATER
AGENCY APPROVED

RES. NO. 78-42

Council was apprised that the office of Kronick, Moskovitz, Tiedemann and Strard is legal counsel for the Amador County Water Agency. The Water Agency entered into an amended agreement with P.G.&E. on February 11, 1948 providing the Water Agency with the right to store water at P.G.&E.'s Lower Bear River Reservoir and divert water from P.G.&E.'s Tiger Creek Afterbay on the North Fork of the Mokelumne River for which rights the Agency will compensate P.G.&E. The Water Agency bought these rights for its Central Amador Water Project, which is presently under construction and will provide a supply of water for the inhabitants of the central portion of Amador County.

One of the provisions of the agreement provides that prior to the aforementioned storage and diversion of water, the Agency shall obtain the written agreement of East Bay Municipal Utility District and the City of Lodi that such storage and diversion will not violate in any manner the decrees entered in City of Lodi v. East Bay MUD (San Joaquin Superior Court Action No. 32445, March 14, 1938, and October 4, 1940) and East Bay MUD v. P.G.&E. (Calaveras County Superior Court Action No. 1950, July 25, 1940). East Bay Municipal Utility District has previously given its approval to the agreement.

Following Council discussion, Council, on motion of Councilman Katnich, Katzakian second adopted Resolution No. 78-42 finding that the proposed agreement conforms to the aforementioned decrees, approved the proposed agreement and directed the City Manager to execute the agreement on behalf of the City.

COUNCILMAN HUGHES
ARRIVES

COUNCILMAN HUGHES ARRIVED AT APPROXIMATELY 9:00 P.M.

MISSING SIDEWALK &
POWER POLE AT
400-419 SOUTH LEE
AVENUE

Recently, the City Council had received a complaint from Mr. Tex Priest regarding a power pole and missing sidewalk between 400 Chestnut Street and 419 Lee Avenue.

In a report from Staff, Council was apprised that a 20-foot alley was vacated between these two properties in November 1931. Ten feet was deeded back to each property with no agreement being entered into that the City would install sidewalk before or as part of its abandonment. Therefore, the installation of 10-12 feet of sidewalk is the responsibility of the property owner at 400 Chestnut Street and 1 foot of sidewalk is the responsibility of the property owner at 419 South Lee Avenue.

Minutes of April 19, 1978, continued

SIDEWALK
SOUTH LEE (Contd.)

The report further indicated that there is a manhole and a power pole located within the 20-foot area of missing sidewalk. The power pole is located behind the existing curb and gutter and at the standard location. Therefore, if the property owner wishes the power pole to be relocated, it would have to be at his expense. The manhole will have to be adjusted to grade prior to the sidewalk installation. This adjustment will be made by City crews at no cost to the property owner.

Council discussion followed with questions regarding the report being directed to Staff. Mayor Pinkerton then directed Staff to inform Mr. Priest and interested neighbors in the area of the Staff findings in this matter.

RECESS

Mayor Pinkerton declared a five-minute recess and the Council reconvened at approximately 9:14 p.m.

F.Y. 1976-77 AUDIT
ACCEPTED FOR
FILING

Following introduction of the matter by City Manager Graves, with questions being directed to Staff, Council on motion of Councilman Katnich, Hughes second, accepted for filing Fiscal Year 1976-77 Audit as prepared by Ernst and Ernst.

AGENDA ITEM "i"
REMOVED FROM
AGENDA

With Council's tacit concurrence, Agenda item "i" - "Approve TDA Claim - Transit Claim" was removed from the Agenda.

RECLASSIFICATION OF
PUBLIC WORKS
SECRETARY

Council was apprised that during the past three years, the City has experienced a significant growth in Subdivision, Federal Grants, and Public Works contracts and that the burden of the more routine administrative details involved with this growth has fallen on the Stenographer-Clerk III in the Public Works Office. It was recommended that a new classification of Public Works Secretary be established at Salary Range 24.5 and that the Council find that the incumbent, Mrs. Sharon Biaufus is legally employed in such classification.

On motion of Councilman McCarty, Katzakian second, Council established a new classification of Public Works Secretary at the Salary Range 24.5 and found Mrs. Sharon Biaufus to be legally employed in such classification.

AWARD-LODI LAKE
STORM PUMP STATION
DEMOLITION

City Manager Graves presented the following bids which had been received for the "Lodi Lake Storm Pump Station Demolition" as follows:

RES. NO. 78-43

BIDDER	AMOUNT
Claude C. Wood Co.	\$7,767.00
ABC Underground	\$11,000.00
Parrish, Inc.	\$11,280.00

AWARD STORM PUMP
RES. NO. 78-43
(Continued)

Minutes of April 19, 1978, continued

On recommendation of the City Manager, Council, on motion of Councilman Katnich, Katzakian second, adopted Resolution No. 78-43 awarding the contract for "Lodi Lake Storm Pump Station Demolition" to Claude C. Wood Company, the low bidder, in the amount of \$7,767.00.

ORDINANCES

NEW SUBDIVISION
ORDINANCE ADOPTED

ORD. NO. 1141
ADOPTED

Ordinance No. 1141 entitled "An Ordinance repealing Chapter 22 of the Code of the City of Lodi entitled 'Subdivisions' and substituting a new ordinance in its place and stead", was brought up for passage on motion of Councilman Katnich, Katzakian second. Second reading was omitted after reading by title and the Ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - HUGHES, KATNICH,
KATZAKIAN, McCARTY
and PINKERTON

Noes: Councilmen - NONE

Absent: Councilmen - NONE

OFF-SITE IMPROVE-
MENT ORDINANCE

ORD. NO. 1142

Having been introduced at a regular meeting of the Lodi City Council held April 5, 1978, Ordinance No. 1142 entitled "An Ordinance providing for the installation of public improvements and dedication of rights-of-way and easements in conjunction with building construction or other development" having been introduced at a regular meeting of the City Council held April 5, 1978 was brought up for passage.

Councilman McCarty stated that he had some concerns about this Ordinance and asked that it be placed on the next Agenda for discussion. By common consent, Council agreed with this request.

REVISED RATE FOR
MOBILE HOME PARK
ELECTRIC RATES
ADOPTED

ORD. NO. 1143
ADOPTED

Ordinance No. 1143 entitled "An Ordinance repealing Section 9 of Ordinance No. 1137 and establishing a new rate for the sale of electric energy to master-metered mobile home parks" having been introduced at a regular meeting of the City Council held April 5, 1978 was brought up for passage on motion of Councilman Katnich, Hughes second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - HUGHES, KATNICH,
KATZAKIAN, MC CARTY,
and PINKERTON

Noes: Councilmen - NONE

Absent: Councilmen - NONE

Minutes of April 19, 1978, continued

AMENDING SPECIFIC
PLAN FOR BECKMAN
ROAD FROM LODI
AVENUE SOUTH TO
KETTLEMAN LANE

ORD. NO. 1144
ADOPTED

Ordinance No. 1144 entitled "An Ordinance amending the Specific Plan for Beckman Road from Lodi Avenue South to Kettleman Lane" having been introduced at a regular meeting of the City Council held April 5, 1978 was brought up for passage on motion of Councilman Katnich, McCarty second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - KATNICH, MC CARTY,
and PINKERTON

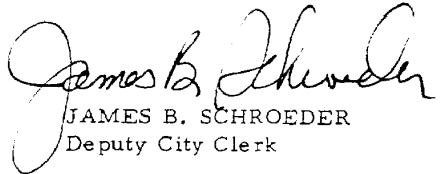
Noes: Councilmen - HUGHES and
KATZAKIAN

Absent: Councilmen - None

ADJOURNMENT

There being no further business to come before the Council, Mayor Pinkerton adjourned the meeting at approximately 9:38 p.m.

Attest:


JAMES B. SCHROEDER
Deputy City Clerk